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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) - Question and Answers

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TO: Regional Air Compliance Branch Chiefs (I-X)

The Office of Compliance (OC) and the Office of Air Quality Planning and Standards (OAQPS) have received numerous questions from delegated state and local agencies and the regulated community regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE), Subpart ZZZZ, which were promulgated June 15, 2004. In an effort to ensure national consistency in implementing Subpart ZZZZ, responses to the questions we have received are provided in Attachment A. Please note that the responses are not site-specific and may not apply in all cases. Also note that responses to general provision questions as they apply to Subpart ZZZZ may not be applicable to other subparts of the NESHAP program. As with all applicability determinations, site-specific information should be carefully reviewed before making a determination.

The attached question and answer document has been coordinated with OAQPS and the Office of General Counsel (OGC). If you have any questions concerning the responses to these questions, please contact Gregory Fried at (202) 564-7016.

Attachment

ATTACHMENT A

National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Question and Answer Document

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PURPOSE

This question and answer document is in response to several questions we have received from delegated state and local agencies and the regulated community regarding the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (40 CFR Part 63, Subpart ZZZZ). This document is not regulation, nor is it designed to supercede the requirements specified in Subpart ZZZZ. It does not impose legally binding requirements on EPA, state/local agencies or the regulated community. This question and answer document does not confer legal rights or impose legal obligations upon any member of the public. The responses provided in this document may not apply in all circumstances.

Any questions concerning this question and answer document should be directed to Gregory Fried at 202-564-7016.

A. Affected Facility

1) Can an existing source take enforceable permit restrictions prior to the compliance date (June 15, 2007) to avoid being subject to Subpart ZZZZ?

Yes. Under current EPA policy, facilities that are subject to practically enforceable permit restrictions to reduce total hazardous air pollutant (HAP) emissions from the facility below the major source threshold (i.e., below 10 tons for one HAP or 25 tons of total HAP) before the first compliance date for Subpart ZZZZ are not subject to the subpart. The permit restrictions must be approved by the delegated regulating agency prior to June 15, 2007, the compliance date for Subpart ZZZZ. Facilities should be directed to the appropriate delegated agency to obtain information on the specific process for obtaining such permit restrictions.

2) Are RICE equal to or less than 500 brake horsepower subject to Subpart ZZZZ?

No. RICE with a site rating equal to or less than 500 brake horsepower located at a major source of HAP emissions are not subject to Subpart ZZZZ. There has been some confusion regarding this question because 40 CFR Section 63.6585 (*Am I Subject to this Subpart?*) fails to include the 500 brake horsepower threshold. However, 40 CFR Section 63.6590 (*What Parts of My Plant Does This Subpart Cover?*) clearly states that the affected source is any existing, new, or reconstructed stationary RICE with a site-rating of more than 500 brake horsepower . . .” See Memorandum from Michael Alushin, Director, Compliance Assessment and Media Programs Division, Office of Compliance to Doug Neeley, Chief, Air Toxics and Monitoring Branch, Region 4 (September 17, 2004).

3) Is it necessary for sources to submit a follow-up notification under Clean Air Act (CAA) Section 112(j) stating that they are not subject to Subpart ZZZZ when previous letters from the source indicated that they “may be covered”?

Yes. The delegated agency will consider a RICE to be an affected source if the owner/operator submits a notification indicating that they “may be covered.” If a source that originally indicated that they “may be covered” later determines that they are not covered, they should submit a follow-up letter within 15 calendar days of making the determination, as specified in 40 CFR Section 63.9(j).

4) If a RICE was manufactured before December 19, 2002, would the unit be considered an “existing” source?

To be considered an “existing” source, the owner/operator must have commenced construction or reconstruction of the RICE before December 19, 2002, the proposed date of Subpart ZZZZ. 40 CFR Section 63.2 defines *commenced* to mean:

[W]ith respect to construction or reconstruction of an affected source, that an owner or operator has undertaken a continuous program of construction or reconstruction or that an owner or

operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or reconstruction.

Construction is defined in 40 CFR Section 63.2 to mean “the on-site fabrication, erection, or installation of an affected source . . .” (Emphasis added.) Therefore, if an owner/operator has entered into a contractual obligation to undertake and complete, within a reasonable amount of time, a continuous program for the on-site fabrication, erection or installation of a RICE before December 19, 2002, the RICE would be considered an “existing” source.

5) In some instances, the capacity of a RICE may be limited by the equipment that it is driving, e.g., a compressor that limits maximum revolutions per minute (RPM). Can these limitations be considered when defining the site-rated HP for the RICE?

No. The affected facility under Subpart ZZZZ is “. . . any existing, new, or reconstructed stationary RICE with a site-rating of more than 500 brake horsepower located at a major source of HAP emissions . . .” 40 CFR Section 63.6590(a). Equipment that is not part of the affected facility would not be considered in determining the site-rated capacity of the RICE.

6) Some companies maintain a fleet of RICE to cover overhaul needs. When a RICE replaces another RICE that is being overhauled, does the replacement RICE assume the compliance status of the RICE being overhauled, or is each RICE treated as a separate affected facility?

The affected facility under Subpart ZZZZ is “. . . any existing, new, or reconstructed stationary RICE with a site-rating of more than 500 brake horsepower located at a major source of HAP emissions . . .” 40 CFR Section 63.6590(a). Based on this definition, each RICE is treated as a separate affected facility. The RICE replacement would not assume the compliance status of the RICE being overhauled.

B. Relocation/Leasing

7) Would an affected RICE relocated from one major source facility to another major source facility be considered a “new” RICE upon relocation?

No. “A stationary RICE is new if you commenced construction of the stationary RICE on or after December 19, 2002.” (Emphasis added.) 40 CFR Section 63.6590(a)(2). The definition of the term “construction” in 40 CFR Section 63.2 states, “Construction does not include the removal of all equipment comprising an affected source from an existing location and the reinstallation of such equipment at a new location . . .” Since the definition of construction excludes the relocation of affected sources, a relocated affected RICE would not become a “new” RICE.

8) Would a RICE operating at an area source facility be considered a “new” RICE upon relocation to a major source facility?

No. A RICE located at an area source facility would qualify for the relocation exemption provided in the definition of “construction” in 40 CFR Section 63.2 (see question #7 above) and therefore would not become a “new” source upon relocation to a major source facility. Although the definition of “construction” does not specifically address sources relocated from “area” source facilities to “major” source facilities, the Agency intended to apply the relocation exemption broadly to also include these sources. *See Background Information Document for the Promulgated General Provisions Regulations for 40 CFR Part 63, EPA 450/3-91-019b, Section 2.3.1, February 1994.* RICE relocated from an “area” source facility to a “major” source facility would be subject to the applicable requirements for existing sources. *See 40 CFR Section 63.6590.*

9) Would an affected RICE relocated from a major source facility to an area source facility still be subject to Subpart ZZZZ?

No. Subpart ZZZZ applies to “. . . stationary RICE at a major source of HAP emissions . . .” (Emphasis added.) 40 CFR Section 63.6585. If an affected RICE is relocated from a major source to an area source, the RICE would not be subject to Subpart ZZZZ unless the area source becomes a major source as a result of the relocation or as a result of an increase in HAP emissions above the major source threshold (e.g., 10 tons for one HAP or 25 tons of total HAP).

10) Is the owner/operator of a facility responsible for ensuring that leased affected RICE are in compliance with Subpart ZZZZ?

The owner/operator of the facility is responsible for all affected RICE operating at his/her facility regardless of whether the units are owned or leased. The owner/operator should obtain from the leasing company all relevant information pertaining to the affected RICE to ensure that the affected RICE is operating in compliance with Subpart ZZZZ.

11) Is a temporary replacement RICE subject to Subpart ZZZZ?

Subpart ZZZZ does not provide an exemption for temporary RICE. However, the definition of a “stationary reciprocating internal combustion engine” in 40 CFR Section 63.6675 states, “Stationary RICE differ from mobile RICE in that a stationary RICE is not a nonroad engine as defined in 40 CFR 1068.30” Therefore, temporary units that meet the definition of a “nonroad engine” in 40 CFR Section 1068.30 would not be subject to Subpart ZZZZ. In addition, temporary RICE operating less than 100 hours per year may qualify as “limited use stationary RICE” as defined in Section 63.6675. New limited use RICE are only subject to an initial notification requirements under Subpart ZZZZ. 40 CFR Section 63.6590(b)(1)(ii). Existing limited use RICE have no requirements under Subpart ZZZZ. 40 CFR Section 63.6590(b)(3).

C. Startup, Shutdown, Malfunction (SSM) Plan

12) Should equipment powered by the RICE (e.g., compressors) be included in the SSM Plan?

No. Only the affected facility and the associated air pollution control and monitoring equipment need to be included in the SSM plan. 40 CFR 63.6(e)(3). Under Subpart ZZZZ, the affected facility is "... any existing, new, or reconstructed stationary RICE with a site-rating of more than 500 brake horsepower located at a major source of HAP emissions ..." 40 CFR Section 63.6590(a). Thus, equipment powered by the RICE do not need to be included in the SSM Plan.

13) Does the owner/operator have to include equipment for pressure drop measurements in the SSM Plan?

Pressure drop equipment is monitoring equipment and should be included in the SSM Plan. 40 CFR Section 63.6(e)(3).

14) If a RICE is sold, does the owner/operator need to retain a copy of the SSM Plan for the unit for five years even though the unit is no longer at the facility?

Yes. The general provisions state:

If at any time after the adoption of a startup, shutdown, malfunction plan the affected source ceases operation or is otherwise no longer subject to the provisions of this part, the owner or operator must retain a copy of the most recent plan for 5 years from the date the source ceases operation or is no longer subject to this part and must make the plan available upon request for inspection and copying by the administrator.

40 CFR Section 63.6(e)(3)(v).

EPA interprets this statement to include a RICE that ceases operation at a facility as a result of being sold or relocated. Therefore, owners/operators are required to maintain a copy of the SSM Plan for five years from the time the source is sold or relocated.

D. Recordkeeping

15) Can the owner/operator keep records off-site if a facility does not have adequate storage capability such as at a remote location with no buildings?

Subpart ZZZZ states:

You must keep each record readily accessible in hard copy or electronic form on-site for at least two (2) years after the date of

each occurrence, measurement, corrective action, report, according to Section 63.10(b)(1). You can keep the records off-site for the remaining three (3) years. (Emphasis added.)

40 CFR Section 63.6660.

Therefore, at a minimum, records must be readily accessible in hardcopy or electronic form on-site for at least two (2) years. If a facility does not have adequate storage capability, such as at a remote location with no buildings, an owner/operator may apply for a waiver of the recordkeeping requirements. See 40 CFR Section 63.10(f). Recordkeeping waivers must be approved by EPA. Therefore, all requests for recordkeeping waivers should be submitted to the EPA Regional office.

E. Continuous Monitoring

16) When must the owner/operator begin monthly pressure drop measurements?

Owners/operators must begin demonstrating continuous compliance with the operating limits (e.g., monthly pressure drop measurements) on the compliance date specified in Subpart ZZZZ. The compliance dates vary for existing, new, and reconstructed sources. See 40 CFR Section 63.6595.

17) Does “monthly” mean “calendar month” with respect to monthly pressure drop measurements?

Table 6 of Subpart ZZZZ states:

You must demonstrate continuous compliance by measuring the pressure drop across the catalyst once per month and demonstrate that the pressure drop across the catalyst is within the operating limitation established during the performance test. (Emphasis added.)

Although Subpart ZZZZ does not specifically use the term “calendar month,” EPA interprets this to be “calendar month.”

18) Should pressure drop be reported based on an average or an instantaneous measurement?

Table 6 of Subpart ZZZZ states:

You must demonstrate continuous compliance by measuring the pressure drop across the catalyst once per month and demonstrate

that the pressure drop across the catalyst is within the operating limitation established during the performance test. (Emphasis added.)

Thus, pressure drop across the catalyst is an instantaneous measurement, not an average.

19) Should monthly pressure drop measurements be taken at 100% load $\pm 10\%$?

Table 6 of Subpart ZZZZ states:

You must demonstrate continuous compliance by measuring the pressure drop across the catalyst once per month and demonstrate that the pressure drop across the catalyst is within the operating limitation established during the performance test. (Emphasis added.)

Since the performance test is conducted at 100% load $\pm 10\%$, as required per 40 CFR Section 63.6620(b), the monthly pressure drop measures also must be taken at 100% load $\pm 10\%$ to ensure compliance on a continuous basis.

20) How should an owner/operator conduct monthly pressure drop monitoring if a RICE does not operate during a calendar month?

Owners/operators are expected to conduct monthly pressure drop monitoring as required by Subpart ZZZZ. If the owner/operator will be operating a RICE in such a way that the unit may not be operating for a given month, the owner/operator should seek an alternative monitoring method per 40 CFR Section 63.8(f). Requests for alternative monitoring methods should be submitted to the EPA Regional office or delegated agency for approval.

21) How should an owner/operator report monthly monitoring if a RICE does not operate in the target window (100% $\pm 10\%$) during a given calendar month?

Owners/operators of RICE that operate below the target window (100% load $\pm 10\%$) for periods longer than a calendar month should seek an alternative monitoring method per 40 CFR Section 63.8(f) if they do not want to increase the load of the RICE to the target window (100% load $\pm 10\%$) solely to record the pressure drop to satisfy the monthly monitoring requirements. Requests for alternative monitoring methods should be submitted to the EPA Regional office or delegated agency for approval.

22) If a RICE operates only minimally during a month, and, as a result, the pressure drop measurement is not taken, how is the monitoring requirement addressed? For example, in month 1, monitoring is completed on day 30. In month 2, the RICE runs during week 1 only and thus is not operating on day 30. Does EPA expect owners/operators to startup a RICE for the purpose of taking the monthly pressure drop measurement, if the RICE is not operating?

Owners/operators are expected to conduct monthly pressure drop monitoring as required by Subpart ZZZZ. However, if the RICE has an unplanned shutdown, such that the owner/operator fails to record the monthly pressure drop and the unit is shutdown for the remainder of the month, the owner/operator is not expected to startup the RICE solely to record the pressure drop. However, the owner/operator should record the pressure drop immediately upon startup of the RICE. If the delegated agency believes that the owner/operator may be attempting to circumvent the required continuous monitoring provisions of Subpart ZZZZ, the delegated agency may require that the owner/operator startup the RICE for the purpose of ensuring compliance with the operating limits. The semi-annual report, required in 40 CFR Section 63.6650, should reflect the fact that the RICE did not operate during certain periods of a calendar month.

23) When must the owner/operator begin continuous temperature measurements?

The general provisions state:

All CMS shall be installed, operational, and the data verified as specified in the relevant standard either prior to or in conjunction with conducting performance tests under Section 63.7. (Emphasis added.)

40 CFR Section 63.8(c)(3)

Thus, continuous temperature measurements should begin before or at the time of the performance test.

24) The operating limit for temperature (Tables 1B and 2B of Subpart ZZZZ) is based on a 4-hour average of the inlet temperature to either an oxidation catalyst or a non-selective catalytic reduction (NSCR) catalyst. Continuous monitoring systems will record a temperature value at least every 15 minutes. Should the instantaneous measurements (every 15 minutes or less) be averaged to an hourly value and then those hourly averages averaged to 4-hour averages.

Subpart ZZZZ states:

As specified in Section 63.8(c)(4)(ii), each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data

recording) for each successive 15-minute period. You must have at least two data points, with each representing a different 15-minute period, to have a valid hour of data. (Emphasis added).

40 CFR Section 63.6625(a)(3).

Subpart ZZZZ specifies that two instantaneous data points could be used to represent an hour of data. Therefore, the instantaneous measurements should be averaged to an hourly value and those hourly values averaged to 4-hour averages.

25) EPA has not yet promulgated performance specifications for continuous parameter monitoring systems (CPMS), including the catalyst inlet temperature. Do the provisions of Section 63.8 apply to the CPMS for the catalyst inlet temperature?

The general provisions state:

... all CMS required under relevant standards shall be subject to the provisions of this section upon promulgation of performance specifications for CMS as specified in the relevant standard or otherwise by the Administrator.

40 CFR Section 63.8(a)

Therefore, until the performance specifications are promulgated, monitoring of the catalyst inlet temperature is not federally required. However, delegated agencies may choose to incorporate the draft performance specifications into the facility operating permits until the performance specifications are promulgated. The draft performance specifications can be obtained from the Emissions, Monitoring, and Analysis Division, Office of Air Quality Planning and Standards.

F. Catalyst Change

26) How long after the catalyst change does the owner/operator have to conduct a performance test?

Subpart ZZZZ does not provide a deadline for conducting a performance test following a catalyst change. However, the owner/operator should schedule a performance test as soon as possible following the catalyst change to demonstrate that the RICE is still in compliance with the standard. If the a RICE fails the performance test after a catalyst change, the RICE will be considered to be out of compliance from the time the catalyst change was made.

Owners/operators conducting performance tests following a catalyst change are required to notify the EPA Regional office or delegated agency 60 days prior to conducting the test. 40 CFR Section 63.9(e). An owner/operator may seek an adjustment to the 60 day notification requirement from the EPA Regional office or the delegated agency if they wish to conduct a performance test as soon as possible following the catalyst change. 40 CFR Section 63.9(i).

27) Can the owner/operator use a catalyst change performance test to satisfy the requirement for semi-annual/annual performance testing if the catalyst-change performance test is conducted at about the same time as the other test would have been? Does the owner/operator have to submit a request to waive the semi-annual/annual performance test to do this?

Yes. The catalyst change performance test can be used to satisfy the semi-annual/annual performance testing. However, a request to waive the semi-annual/annual performance test must be submitted to EPA or the delegated agency indicating that the catalyst change performance test will be used to satisfy the requirements for semi-annual/annual performance testing.

28) Does the owner/operator have to conduct a performance test if he/she reinstalls the same catalyst element, for example, after routine maintenance such as washing?

A performance test would be required if the initial performance test is no longer representative of the performance of the affected source. 40 CFR Section 63.7(e)(1). Routine washing of the catalyst is unlikely to cause the initial test to no longer be representative. However, a determination of whether a retest is required should be made by the delegated agency on a case-by-case basis.

29) Is the owner/operator required to conduct a performance test of a temporary “loaner” catalyst when the original catalyst is removed from the RICE for routine maintenance such as washing?

This issue needs to be addressed on a site-specific basis and would be dependent on additional information such as the type of “loaner” catalyst, the length of time the “loaner” catalyst is used, and the compliance history of the RICE.

G. Reconstruction

30) The discussion presented on page 33484 of the preamble of the final Subpart ZZZZ (69 FR 33747, June 15, 2004) suggests that equipment “required as part of the manufacturing or operating process” would be included in evaluating reconstruction costs. For the transmission industry, RICE are used to drive compressors to compress natural gas in the pipeline. To conduct the “process” of compressing natural gas, the compressor would be a required component. Would the compressor costs be included in the reconstruction costs under Subpart ZZZZ?

No. The compressor costs would not be included in determining the reconstruction costs. The term “required as part of the manufacturing or operating process” relates only to the affected facility, in this case the RICE. Equipment that is part of the affected facility (e.g., air pollution control equipment), but is not part of the manufacturing or operating process would not be included in the cost of reconstruction for the affected facility.

31) How long does an owner/operator have to consider costs to determine if reconstruction is triggered? Does the owner/operator add together costs for all projects or does he/she consider stand-alone projects separately?

The length of time and the number of projects to include in a reconstruction determination will depend on site-specific information and should be addressed on a case-by-case basis.

H. Compliance Extension

32) What reasons must be submitted to gain a compliance extension for existing sources if more time is needed to install controls?

There are no specific reasons that must be submitted as part of the request for a compliance extension. EPA or the delegated agency will review each request on a case-by-case basis. However, 40 CFR Section 63.6(i)(4)(i)(B) requires that a request for a compliance extension be made no later than 120 days prior to the affected source's compliance date. Therefore, at a minimum, a request for a compliance extension should address why the owner/operator would not be able to install the appropriate air pollution controls within this 120-day period. Circumstances that arose beyond the control of the owner/operator also should be included in the request.

33) If an owner/operator installed controls on a RICE equivalent to Best Achievable Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) for another purpose, such as controls installed for the State Implementation Plan (SIP) for the Houston Ozone Nonattainment Area, can a RICE receive a compliance extension even if there was no Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permit issued?

This issue needs to be addressed on a case-by-case basis depending on the specific circumstances of the facility in question. A compliance extension request should be submitted to the EPA regional office or the delegated agency.

I. Performance Testing

34) Can the owner/operator petition to conduct the performance test at load conditions other than 100% load $\pm 10\%$, specifically in cases where the RICE cannot physically operate at higher load conditions (limits on compressor cylinders)? Does EPA delegate approval of alternative test methods to the states or should the petition be submitted to EPA?

Alternative performance test methods are allowed under 40 CFR Section 63.7(f). Performance tests at load conditions other than 100% load $\pm 10\%$ must be submitted to and approved by the EPA Regional office.

35) Must the owner/operator shutdown the RICE for a failed performance test? What if the RICE deviates from the operating limits following the performance test?

The owner/operator is not required to shutdown the RICE for a failed performance test. However, if the owner/operator continues to operate after a failed performance test, then the RICE will be operating out of compliance. An owner/operator is not required to shutdown the RICE if it deviates from the operating limits established in the performance test. A deviation from the operating limits must be reported per the reporting requirements in 40 CFR Section 63.6650. The delegated agency will determine if the deviation constitutes a violation of the standard, and whether an enforcement action is warranted.

36) Is the owner/operator required to use Method 1 every time they conduct a performance test for formaldehyde, even if the RICE/exhaust configuration has not changed?

Use of Method 1 is required for each performance test as exhaust flows may differ at the time the performance test is conducted. See Table 4 of Subpart ZZZZ.

37) When conducting a performance test, does the owner/operator measure concentrations and mass emission rates simultaneously or can they be measured back-to-back (i.e., three runs at exhaust, then three runs before the catalyst)? Is a control efficiency determination based solely on pollutant concentration or mass emission rate, or both?

The inlet and outlet emissions should be measured simultaneously for the catalyst control efficiency determination. The control efficiency determination is based on pollutant concentration.

38) Can an owner/operator obtain a waiver for the semi-annual performance test if a RICE is not operating during that period or operates infrequently?

Performance tests may be waived upon written application to the EPA Region. Waiver requests are described in 40 CFR Section 63.8(h).

J. Other:

39) Under Subpart ZZZZ, emergency RICE are allowed to operate 50 hours per year in non-emergency situations, and limited use RICE are allowed to operate 100 hours per year. Does “year” mean calendar year, 12-month block average, or fiscal year?

Although the term “year” is not defined in Subpart ZZZZ, EPA believes that “calendar year” is the most appropriate time frame for monitoring the operation of emergency and limited use RICE.

40) Does failure to meet the temperature parameters (established from the initial performance) during routine startup and shutdown constitute a “deviation” under Subpart ZZZZ.

Failure to meet the prescribed temperatures during routine startup and shutdown does constitute a deviation from the operating limits established during the most recent performance test. However, deviations that occur during startup and shutdown may not result in violations if the RICE is operating in accordance with the Startup, Shutdown, and Malfunction Plan. See 40 CFR Section 63.6640(d).

41) Is the “commissioning period” of the RICE considered the initial “startup” of the unit?

EPA understands the “commissioning period” to be the final phase of the construction process. Activities conducted during the commissioning period include: checking all mechanical, electrical, and control systems for the RICE and all related equipment; and confirming the performance measures specified in the purchase agreement. EPA understands that the commissioning period may take up to two weeks to complete. EPA does not consider the “commissioning period” as the initial startup of the unit as long as the RICE is not being used for its intended purpose or any other beneficial use at the facility during this time. Site-specific determinations of initial startup may be required for facilities that operate in a commissioning mode for excessive periods of time.

42) Does the Subpart ZZZZ apply to Outer Continental Shelf (OCS) sources?

Subpart ZZZZ applies to sources operating on the OCS. See 40 CFR Sections 55.3 and 55.13.